

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

February 2, 2009

THE HONORABLE FRED K. MORRISON, Retired Associate Justice of the Court of Appeal, Third Appellate District, is hereby assigned to assist the Court of Appeal, Third Appellate District, as a justice thereof, on the following date(s):

February 2, 2009 To March 31, 2009

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

Dated: February 2, 2009

C056331 THE PEOPLE v. OSCAR RAMOS (Not For Publication)

The judgment is affirmed.

SIMS, J.

We Concur: Blease, Acting P.J.
Raye, J.

C057982 THE PEOPLE v. BIKKAR SINGH (Not For Publication)

The judgment is affirmed.

HULL, J.

We Concur: Blease, Acting P.J.
Robie, J.

C055074 RONCZYK, SR. v. CALIFORNIA (Not For Publication)
YOUTH AUTHORITY

The judgment is affirmed. Each party shall bear its own costs on appeal.
(Cal. Rules of Court, rule 8.278 (a) (5).)

HULL, J.

We Concur: Davis, Acting P.J.
Nicholson, J.

C057770 M.P. v. CHICO UNIFIED SCHOOL (Not For Publication)
DISTRICT et al.

The judgment is affirmed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (5).)

RAYE, J.

We Concur: Blease, Acting P.J.
Sims, J.

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Court Minutes

February 3, 2009

**C056043 THE PEOPLE v. (Not For Publication)
ANDREI IVASCHENKO**

The judgment is modified as to the conviction of violating section 12031 (a) (2) (F) to reflect conviction rather of the included misdemeanor under section 12031 (a) (2) (G), with the direction that, if defendant so moves within 60 days of issuance of the remittitur in this case, the superior court is directed to conduct another sentence hearing. As modified, the judgment (order of informal probation) is affirmed.

BUTZ, J.

We Concur: Davis, Acting P.J.

Hull, J.

**C057661 THE PEOPLE v. (Not For Publication)
RICHARD MANUEL ESTRADA**

The sentence in count five is modified to a consecutive term of 25 years to life plus 10 years. The trial court is instructed to amend the abstract of judgment accordingly. A certified copy of the amended abstract shall be forwarded to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

HULL, J.

We Concur: Scotland, P.J.

Butz, J.

**C058341 THE PEOPLE v. (Certified For Partial Publication)
JIMMY RAY SANDERS**

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Blease, Acting P.J.

Sims, J.

February 4, 2009

**C055566 THE PEOPLE v. (Not For Publication)
JAMES WILLIAM CAMPBELL**

The judgment is affirmed.

NICHOLSON, J.

We Concur: Scotland, P.J.

Hull, J.

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STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

February 4, 2009, Continued

- C057176 THE PEOPLE v. (Not For Publication)**
MICHAEL CALVIN WANLESS
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Sims, J.
 Butz, J.
- C057720 THE PEOPLE v. (Not For Publication)**
KEVIN TERRY BRINCKMAN
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Davis, Acting P.J.
 Hull, J.
- C058025 THE PEOPLE v. (Not For Publication)**
HERMAN RAY ROBINSON
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Davis, J.
 Morrison, J.*
*Retired Associate Justice of the Court of Appeal. Third Appellate District,
assigned by the Chief Justice pursuant to article VI, section 6 of the California
Constitution.
- C058448 THE PEOPLE v. (Not For Publication)**
EUGENE JEFFERY GOMEZ
The judgment is modified... The trial court is directed to prepare an
amended abstract with this disposition and deliver it to the Department of
Corrections and Rehabilitation.
NICHOLSON, Acting P.J.
We Concur: Robie, J.
 Morrison, J.*
*Retired Associate Justice of the Court of Appeal. Third Appellate District,
assigned by the Chief Justice pursuant to article VI, section 6 of the California
Constitution.

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STATE OF CALIFORNIA
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Court Minutes

February 4, 2009, Continued

- C058918 THE PEOPLE v. (Certified For Publication)**
SHEILA RENNEE BARTELL
The judgment is affirmed.
NICHOLSON, J.
We Concur: Davis, Acting P.J.
Morrison, J.*
*Retired Associate Justice of the Court of Appeal. Third Appellate District,
assigned by the Chief Justice pursuant to article VI, section 6 of the California
Constitution.
- C059270 THE PEOPLE v. (Not For Publication)**
STANLEY WILLIAM BARRETT
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Sims, J.
Nicholson, J.
- C059607 THE PEOPLE v. SHAUNISHA WILLIAMS (Not For Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Hull, J.
Butz, J.
- C055866 GRANT v. WASTE MANAGEMENT, INC., et al. (Not For Publication)**
The order granting the motion to quash is affirmed. Grant's appeal from
the order denying reconsideration and her appeal from the order denying leave to
amend her complaint are dismissed. The parties shall bear their own costs on
appeal.
SCOTLAND, P.J.
We Concur: Blease, J.
Davis, J.
- C056749 GLENN COUNTY VETERANS (Not For Publication)**
COUNCIL, INC., et al. v.
COUNTY OF GLENN et al.
The order is affirmed. The parties shall bear their own costs on appeal.
(Cal. Rules of Court, rule 8.278 (a) (3).)
CANTIL-SAKAUYE, J.
We Concur: Butz, Acting P.J.
Morrison, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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Court Minutes

February 4, 2009, Continued

**C056503 DELUCCHI et al. v. (Certified For Publication)
FRANCHISE TAX BOARD**

The judgment is affirmed. Respondent is awarded its costs on appeal.
(Cal. Rules of Court, rule 8.278 (a) (2).)

DAVIS, J.

We Concur: Scotland, P.J.

Cantil-Sakauye, J.

**C058858 DIXON v. THE SUPERIOR COURT (Certified For Publication)
OF EL DORADO COUNTY; NEVES,
as Sheriff-Coroner, etc.**

The petition for extraordinary writ is denied along with petitioner's
September 26, 2008, motion to unseal the augmented record. The alternative
writ is discharged. Each party shall pay its own costs. (§ 6259, subd. (d).)

DAVIS, J.

We Concur: Scotland, P.J.

Cantil-Sakauye, J.

**C058452 In re J.W.; WARDELL, as Chief (Not For Publication)
Probation Officer v. J.W.**

The judgment is affirmed.

NICHOLSON, Acting P.J.

I concur: Morrison, J.*

I concur in the result:

Robie, J.

AMENDED

*Retired Associate Justice of the Court of Appeal. Third Appellate District,
assigned by the Chief Justice pursuant to article VI, section 6 of the California
Constitution.

**C058902 In re E.N. et al.; (Not For Publication)
SACRAMENTO COUNTY DEPARTMENT
OF HEALTH AND HUMAN SERVICES
v. K.N., JR.**

The order terminating parental rights is vacated, and the matter is
remanded to the juvenile court with directions to order the Department to make
proper inquiry and to comply with the notice provisions of ICWA. ...

If no Indian heritage is disclosed or if, after notice, it is determined that the
minors are not Indian children, the order terminating parental rights shall be
reinstated.

CANTIL-SAKAUYE, J.

We Concur: Nicholson, Acting P.J.

Raye, J.

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C058662 **SHADE et al. v. UNITED HEALTH SYSTEMS, INC.** **(Not For Publication)**

The judgment is affirmed. Costs on appeal are awarded to defendant.
(Cal. Rules of Court, rule 8.278 (a).)

NICHOLSON, Acting P.J.

We Concur: Robie, J.
Morrison, J.*

*Retired Associate Justice of the Court of Appeal. Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

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Court Minutes

February 5, 2009, Continued

C058595 In re L.P.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. DONALD P.

The orders of the juvenile court are affirmed.

ROBIE, J.

We Concur: Blease, Acting P.J.

Hull, J.

February 6, 2009

C057121 THE PEOPLE v. RICKY RAMIREZ (Not For Publication)

Counts 4 and 5 are reversed for lack of evidence and the sentence is modified by striking the terms imposed for those counts, reducing the total state prison sentence from 64 to 48 years. As so modified the judgment is affirmed. The trial court is directed to prepare and forward to the Department of Corrections and Rehabilitation a new abstract of judgment consistent with this opinion.

BLEASE, Acting P.J.

We Concur: Davis, J.

Hull, J.

C057828 THE PEOPLE v. EDWARD RAY FRISBIE (Not For Publication)

The judgment is affirmed.

SIMS, Acting P.J.

We Concur: Davis, J.

Hull, J.

C057905 THE PEOPLE v. (Not For Publication)
JEREMY DAVID NORIEGA

The judgment is affirmed. the trial court is directed to amend the abstract of judgment to reflect that the "time imposed" for the felony assault conviction is "8" years (not "4" years), and to send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

SCOTLAND, P.J.

We Concur: Sims, J.

Nicholson, J.

**COURT OF APPEAL
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Court Minutes

February 6, 2009, Continued

- C058915 THE PEOPLE v. (Not For Publication)**
RAYMOND ANTHONY HILL
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Hull, J.
Butz, J.
- C056833 DEPARTMENT OF FINANCE v. (Certified For Publication)**
COMMISSION ON STATE MANDATES
The judgment is reversed. Each party shall bear its own costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (3), (5).)
BUTZ, J.
I concur: Hull, J.
...
Accordingly, I agree with my colleagues that the California Supreme Court precedent discussed in their opinion compels us to conclude that local districts' compliance with POBRA as to peace officers they employ is not a reimbursable State mandate because such districts are not required by law to employ peace officers and there is nothing in the record to support a finding that they are "practically" required to establish police departments and hire peace officers. Therefore, I concur in the opinion.
Scotland, P.J.
- C058849 THOMAS v. SHEWRY, as Director, etc. (Certified For Publication)**
The judgment is affirmed. Respondent is awarded its costs on appeal. (Cal. Rules of Court, rule 8.278, subd. (a) (2).)
DAVIS, Acting P.J.
We Concur: Hull, J.
Cantil-Sakauye, J.